

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IN RE: REFRIGERANT COMPRESSORS  
ANTITRUST LITIGATION,

Case No. 2:09-md-02042

Honorable Sean F. Cox

Magistrate

**OBJECTION TO DIRECT PURCHASER PLAINTIFFS' AND INDIRECT  
PURCHASER PLAINTIFFS' OPPOSITIONS TO DEFENDANTS' MEMORANDUM  
OF LAW REGARDING PROPOSED SCHEDULE FOR THE COMMENCEMENT  
OF CLASS DISCOVERY**

In the Order Following March 8, 2010 Status Conference (“Order”) (Dkt. 127) the Court directed the parties to brief two issues: (i) “whether discovery in this action should be bifurcated;” and (ii) “when class discovery should commence.” Plaintiffs were to file an opening brief and the Defendants were to respond “on the issue of whether discovery in this action should be bifurcated” and the Defendants were to file an opening brief and the Plaintiffs were to respond “on the issue of when class certification discovery should commence.”

Both Indirect Purchaser Plaintiffs and Direct Purchaser Plaintiffs ignored the limits of the Court’s Order. In their oppositions to Defendants’ Memorandum of Law Regarding Proposed Schedule for Commencement of Class Discovery, Plaintiffs requested the Court to require Defendants to produce “records previously produced to government investigators.” This subject is clearly beyond the scope of the Court’s Order. Indeed, Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs raised this issue at the March 8, 2010 status conference, and the Court declined to address the issue at the status conference and did not request the parties to brief the issue in the Order. Consequently, Defendants did not address this issue in their memorandum.

Defendants respectfully request the Court to disregard Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs' discussion of the issue of "records produced to government investigators." In the event the Court ever wishes to consider this issue specifically, Defendants request the opportunity to fully brief the issue and further request that the U.S. Department of Justice, Antitrust Division be invited to be heard on the issue as well.

Dated: March 30, 2010

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 30, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record registered for electronic filing.

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